

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE: VALSARTAN N-	:	HON. ROBERT B. KUGLER
NITROSODIMETHYLAMINE (NDMA)	:	
CONTAMINATION PRODUCTS	:	MASTER DOCKET NUMBER
LIABILITY LITIGATION	:	Civil No. 1:19-md-02875-RBK-JS
	:	
This Document Relates to All Actions	:	

**DECLARATION OF TARA ABRAHAM IN SUPPORT OF
LETTER BRIEF OBJECTIONS AND MOTION FOR PROTECTIVE ORDER OF
MCKESSON CORPORATION/WHOLESALERS ON “MACRO” DISCOVERY ISSUES
ARISING FROM PLAINTIFFS’ PROPOSED SET OF REQUESTS FOR PRODUCTION**

I, Tara Abraham, hereby declare as follows:

Identification

1. My name is Tara Abraham. I have been employed by McKesson Corporation (“McKesson” or the “Company”) since 2010. The statements made in this declaration (“Declaration”) are based upon my personal knowledge and information obtained during the course of my job duties and responsibilities.

Duties and responsibilities

2. As Director, Data Management Support, my job duties and responsibilities require that I be, and I am, familiar with McKesson’s practices regarding: collection and electronic production of sales and purchasing data.

3. My previous roles at McKesson include serving as a manager in business intelligence development.

Plaintiffs’ Draft RFPs to Wholesalers and Specific Objections

4. I am familiar with Plaintiffs’ proposed Set of Requests for Production of Documents to Wholesalers (“Draft RFPs” or “RFPs”) (ECF 413-3). This Declaration supports the

Wholesalers' letter brief ("Letter Brief") regarding Macro Issues, filed simultaneously herewith, generally, and supports McKesson's objections to and request for a protective order regarding such RFPs, specifically.

5. In particular, this Declaration supports McKesson's objections to RFPs 1 and 3 (the "Subject Requests"), in which Plaintiffs seek documents generated during and information from the time period of January 1, 2012 until December 31, 2019 ("Requested Time Period") related to McKesson's purchases and sales of valsartan-containing drugs (VCDs).

6. RFPs Nos. 1 and 3 specifically seek the following Wholesaler Sales and Purchase Info, to which McKesson objects and moves for protection:

- RFP No. 1 seeks the details of individual purchases of VCDs from 2012-2019 from each Defendant Manufacturer, including each purchase date, specific quantities purchased, lot/batch numbers sold, and expiration date.
- RFP No. 3 seeks the details of individual sales of VCDs from 2012-2019 from each Defendant Wholesaler to each Defendant Retailer, including specific quantities sold, lot/batch numbers sold, and expiration date.

Plaintiffs' Draft RFPs (ECF 413-3).

McKesson's Pharmaceutical Purchase and Sales Process

7. A National Drug Code ("NDC") number is a unique 10-digit or 11-digit, 3-segment number that acts as a universal identifier for pharmaceuticals in the United States.

8. Tiers of the pharmaceutical supply chain purchase and sell pharmaceuticals by reference to NDC numbers.

9. Before McKesson purchases or sells pharmaceutical product, McKesson enters into Supplier Agreements (“Agreements”) with pharmaceutical manufacturers (“Manufacturers”) and pharmaceutical retailers (“Retailers”), respectively.

10. These Agreements do not relate to one specific drug or class of drug, but instead cover a variety of NDC numbers.

11. Under these Agreements, McKesson purchases pharmaceutical from Manufacturers and subsequently sells pharmaceutical to Retailers.

12. There are vastly different price calculations from one Agreement to the other.

13. McKesson has never been ordered to provide a litigation purchase and/or sales report spanning as many NDC drug codes and as significant a time period as that requested in the Valsartan MDL.

McKesson’s Pharmaceutical Sales History System

14. The physical servers hosting McKesson’s pharmaceutical sales history data (sales of pharmaceuticals from McKesson to Retailers) are located in the McKesson Data Center.

15. To extract from McKesson’s data systems a report reflecting particular past sales, McKesson can use different methods.

16. Recent pharmaceutical sales data is contained in a database called BHP (Business Warehouse Hana Production Systems) which houses sales data for the prior 4 years.

17. Sales Data from 2012-2016 is archived in a separate system, called SybaseIQ. Although, the system will automatically query both BHP and SybaseIQ if the request is for more than 4 years, a query that involves pulling data from both BHP and SybaseIQ would take longer than just searching BHP alone.

18. The Sales Data history can be accessed by specific McKesson's employees who have been granted access to these databases. However, McKesson does not routinely run massive sales data reports.

Quervyng McKesson's Pharmaceutical Sales History System

19. I have investigated the work required to procure the Requested Info.

20. With regard to a BHP recent sales history request, once Legal submits the request, several steps must occur to generate a report.

21. There is one, specific McKesson representative ("Rep") who is able to access the BHP System to create a resulting sales report ("Sales Report").

22. That Rep enters a query into the BHP System. For example, the Rep can search by NDC number.

23. The Rep must limit the query for the NDC number by a time period, here 2012-2019.

24. Once the NDC number and time period is entered, the BHP System determines an initial result of the number of rows in the Report that the query would generate.

25. Microsoft Excel outputs are limited to a little over 1 million rows. However, if a report generates more than 400,000 rows, the system typically times out due to memory issues.

26. If the search results will generate more than 400,000 rows, the Rep will determine a reduced time period that will generate fewer than 400,000 lines, such as 2012-2014, 2015-2016, 2017-2019.

27. Where multiple time periods are required, multiple query runs might be required. Depending on the number of fields requested, if a smaller time period still returns more than

400,000 rows, the time period must be broken down into ever smaller queries. Once a time period is found that generates less than 400,000 rows, the query is run.

28. Once an appropriately small query is carved out, the BHP System generates the Sales Report

29. The Rep would then name and save the resulting spreadsheet as an electronic copy that can be sorted by columns/data fields.

30. An exemplar of a Sales Report will be provided to the Court by counsel.

31. The BHP and SybaseIQ systems, and thus, their resulting Sales Reports, do not contain information reflecting the lot, batch or expiration data related to sales by McKesson to Defendant Retailers for the time period in issue.

McKesson's Pharmaceutical Purchase History System

32. The physical servers hosting McKesson's pharmaceutical purchase history data (McKesson's purchases of pharmaceuticals from Manufacturers) are located in the McKesson Data Center.

33. Purchase history data is contained in the BHP System, which houses Purchase history data for the years 2012-2019.

Querying McKesson's Purchase History System

34. I have investigated the work required to procure the Requested Info.

35. With regard to a BHP recent purchase history request, once Legal submits the request, several steps must occur to generate a report.

36. There is one, specific McKesson representative ("Rep") who is able to access the BHP System to create a resulting purchase report ("Purchase Report").

37. Then, the Rep enters a query into the BHP System. For example, the Rep can search by NDC number.

38. The Rep must limit the query for the NDC number by a time period, here 2012-2019.

39. Once the NDC number and time period is entered, the BHP System determines an initial result of the number of rows in the Report that the query would generate.

40. Microsoft Excel outputs are limited to a little over 1 million rows. However, if a report generates more than 400,000 rows, the system typically times out due to memory issues.

41. If the search results will generate more than 400,000 rows, the Rep will determine a reduced time period that will generate fewer than 400,000 lines, such as 2012-2014, 2015-2016, 2017-2019.

42. Where multiple time periods are required, multiple queries are required. If a smaller time period still returns more than 400,000 rows, the time period must be broken down into ever smaller queries. Once a time period is found that generates less than 400,000 rows, the query is run.

43. Once an appropriately small query is carved out, the BHP System generates the Purchase Report.

44. The Rep would then name and save the resulting spreadsheet as an electronic copy that can be sorted by columns/data fields.

45. An exemplar of a Purchase Report will be provided to the Court by counsel.

46. The BHP system, and thus, its resulting Purchase Reports, do not contain information reflecting the lot, batch or expiration data related to purchases by McKesson from Defendant Manufacturers for the time period in issue.

Cost of Quervyng McKesson's Sales and Purchase History Systems

47. The searches required to generate the Sales and Purchasing Reports containing the Requested Info will likely take a large amount of time at great expense, including the following estimated amounts:

- a. Number of months to be searched for each NDC number: 96
- b. Number of Reps to run a search: Only 1 rep is designated to run reports requested by Legal
- c. Number of hours to query and pull a report reflecting purchase and sales of one NDC number for one year: 3 hours
- d. Rep's standard hourly rate: \$31.90

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this declaration was executed 16th of June, 2020, in San Ramon, CA.

Tara Abraham

Tara Abraham
Director, Data Management Support
McKesson Corporation